Technical Guidance

Pesticides Act and Ontario Regulation 63/09 Golf Courses

Updated January 2012

Purpose
This technical guidance provides regulatory information for golf course owners and operators, and landscape licensed exterminators employed by golf courses. Ontario's cosmetic pesticides ban took effect April 22, 2009. The requirements of the ban are detailed in the Pesticides Act, which was amended by the Cosmetic Pesticides Ban Act, 2008 and in Ontario Regulation 63/09 (O. Reg. 63/09).

Update
Starting in 2012, new rules for holding a public meeting to present the annual report will take effect. The owner or operator of a golf course must present the annual report before December 1, 2012.

Classification of pesticides
A pesticide product must be registered by Health Canada's Pest Management Regulatory Agency and classified by the Ministry of the Environment (MOE) to be sold and used in Ontario (please refer to section 6 of the Pesticides Act and section 9 of O. Reg. 63/09). Products must be used according to label directions and for purposes allowed under the ban.

As set out in subsection 4(5) of O. Reg. 63/09, Ontario has established a pesticide classification system consisting of eleven classes under provincial legislation as described below.

- Class 1 pesticides are products intended for manufacturing purposes
- Class 2, 3 and 4 pesticides are restricted or commercial products
- Class 5 and 6 pesticides are domestic products intended for household use
- Class 7 pesticides are controlled sale products (domestic or restricted)
- Class 8 pesticides are domestic products that are banned for sale and use
- Class 9 pesticides are ingredients in products for use only under exceptions to the ban
- Class 10 pesticides are ingredients in products for the poisonous plant exception
- Class 11 pesticides are ingredients in products for cosmetic uses under the ban

Class 11 Pesticide Use
Golf courses can use a pesticide product that contains a Class 11 pesticide (includes biopesticides and certain lower risk pesticides) for cosmetic purposes to manage weeds, insects and plant diseases on playing areas of the golf course. In addition, Class 11 pesticides can be used on non-playing areas associated with a golf course such as lawns, driveways, paths, patios, trees, shrubs, ornamental plantings and gardens.

Pesticide Use Notification
Subsection 74(1) of O. Reg. 63/09 specifies that as of April 22, 2011, warning signs (i.e. Sign D and F) can no longer deviate from the versions of the signs referred to in subsection 1(5) of O. Reg. 63/09. In other words, if warning signs are required to be posted to provide public notice of a land extermination, the law requires that the version of the warning signs posted on the MOE's website be used.

A landscape licensed exterminator is required to post a non-residential area notice sign (Sign E) when using a Class 11 pesticide on non-residential area land as a land extermination to notify golfers of pesticide use.

A landscape licensed exterminator is required to post a non-residential area warning sign (Sign F) when using a Class 9 pesticide on non-residential area land in a land extermination to notify golfers of pesticide use (examples of signs are available on the MOE's website).

Golf Course Exception –Class 9 Pesticide Use
There is an exception in the Pesticides Act to the ban for the use of Class 9 pesticides on golf courses. However, the exception to the ban does not include other areas such as lawns, trees, shrubs, ornamental plantings, gardens and patios associated with the facility and, therefore Class 9 pesticides cannot be used on these areas.

Section 17 of O. Reg. 63/09 defines "golf courses" as the areas used or intended to be used as playing surfaces in the game of golf including tees, fairways, greens and rough, subject to certain conditions. Golf courses must meet the following conditions in order to use Class 9 pesticides:

- Registered by April 22, 2010 by a ministry approved IPM body (or the first day Class 9 pesticides are used on the golf course, whichever date is later)

- Accredited by April 22, 2012 by a ministry approved IPM body (or the second anniversary of the first day Class 9 pesticides are used on the golf course, whichever date is later)

- Prepare an annual report on Class 9 pesticide use beginning in 2011 and post it on a ministry approved website

- Hold a public meeting to present the annual report beginning in 2012

IPM Accreditation
An owner or operator of a golf course must ensure that the golf course is accredited by an integrated pest management body approved under section 18 of O. Reg. 63/09. The IPM Council of Canada has been approved for this purpose. Registered golf courses must be IPM accredited by April 22, 2012 or the second anniversary of the first day Class 9 pesticides are used on the golf course, whichever date is later.

Annual Report
As set out in section 19 of O. Reg. 63/09, the owner or operator of the golf course is required to prepare an annual report before June 30, 2011 and every following year summarizing all Class 9 pesticide use on the golf course. Owners or operators must comply with the annual reporting requirements required under section 19 of O. Reg. 63/09, and with the IPM Council of Canada's IPM Accreditation Program requirements. The report must include the following information:

- The name of each pesticide ingredient used
- The quantity of each pesticide ingredient used
- The reason for using each pesticide ingredient
- A map or plan of the golf course showing all application areas
- If an annual report was prepared previously, an explanation of any differences in the pesticides used or quantity used from the most recently prepared annual report
- An explanation of how the use of pesticide ingredients was minimized
- An explanation of how the use of pesticide ingredients will be minimized in the next calendar year
- The name, contact information, IPM registration number (i.e. IPM certification number issued by the IPM Council of Canada) and signature of the golf course's IPM agent
- Confirmation by the owner or a representative of the owner of the golf course that the report is complete
- Any other relevant information on pesticide use that is asked for by Director under the Act

The IPM Council of Canada Annual Report – Class 9 Pest Control Product Usage form has been approved by the ministry under subsection 19(3) of O. Reg. 63/09 and is available from the IPM Council of Canada.

The most recently prepared annual report must be made public and a copy must be provided to the public on request free of charge. Annual reports must be posted on the IPM Council of Canada's website which has been approved by the ministry. It must also be displayed in a prominent place to allow access by the club members, guests and the public. Annual reports are also required to be kept on the golf course property for a period of at least five years.

Public Meeting

As set out in sections 20 and 21 of O. Reg. 63/09, starting January 1, 2012, the owner or operator of the registered or accredited golf course must notify the public when the annual report is available for inspection by:

- Publishing a notice in the newspaper, and
- Notifying all occupants of each property that abuts or is within 100 metres of the golf course.

The owner or operator of a golf course or his or her representative must attend and present the annual report at a public meeting held before December 1st in each calendar year.

Notice of the Public Meeting

The golf course owner or operator must publish a notice in a newspaper, no more than 15 days before the date of the public meeting when the annual report will be presented.

The notice must include the following information:

- name and address of the golf course
- name and telephone number of the owner or a representative of the owner of the golf course
- date, time and place of the public meeting at which the annual report will be presented.

The newspaper must have a general circulation in the area where the golf course is located.

A copy of the notice must be given to the occupants of each property that:

- abuts the golf course, or,
- is within 100 metres of the golf course.

Other Means of Notice

If more than 50 persons must be notified in order to meet the requirements in Section 20 (1) subparagraph 3 ii of O. Reg. 63/09 under the Pesticides Act, the owner or representative of the golf course may submit a written request to the Director under the Pesticides Act for consideration of other means of notice.

A written request must be submitted to:

Director under the Pesticides Act

Pesticides Management Section, Standards Development Branch

Mail: 40 St. St. Clair Avenue West, 7th Floor, Toronto, Ontario M4V1M2

Fax: (416) 327-2936

Email: SDB-PesticideApproval@ontario.ca

Reporting Non-Compliance

To report non-compliance of pesticide use, please contact your MOE District Office during regular business hours. After business hours, call the MOE's Pollution Hotline at 1-866-MOE-TIPS (1-866-663-8477).

For more information:
Visit the MOE's website for additional information on topics such as:
- Pesticide signage
- Pesticide classes and database
- Golf Course Public Meeting FAQs
- Guide to Providing Notice of Public Meeting

A number of fact sheets and suggestions on caring for lawns and gardens are available on the MOE's website for specific audiences.

Direct questions about the cosmetic pesticides ban to the MOE's Public Information Centre at 1-800-565-4923 or 416-325-4000 (press 0 to talk to an information officer).

For information on the IPM Council of Canada's IPM Accreditation Program contact:

IPM Council of Canada
25 Brown Street, Box #7
Milton, ON L9T 2Y3
416-919-3832
info@ipmc ouncilcanada.org
www.ipmcouncilcanada.org

For information on how to apply to become an IPM Agent contact:

IPM Accreditation Program
c/o University of Guelph Ridgetown Campus
120 Main Street East
Ridgetown, ON N0P 2C0
1-866-385-4762 or 519-674-1538
Fax: 519-674-1585
ipmap@ridgetownc.uoguelph.ca

This technical guidance is for information only and is not legal advice. Interested parties are advised to refer to the Pesticides Act and O. Reg. 63/09 to address specific circumstances.

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